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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/068,555 | 02/06/2002 | Michael Nero | WEAT/0201 | 6958 |
| 36735 | 7590 | 06/29/2006 | EXAMINER | |
| PATTERSON & SHERIDAN, L.L.P. 3040 POST OAK BOULEVARD, SUITE 1500 HOUSTON, TX 77056 | | | EDWARDS JR, TIMOTHY | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2612 | |

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,555

Applicant(s)

NERO ET AL.

Examiner

Timothy Edwards, Jr.

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed April 10, 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 25,26 and 41-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-11,22-24,27-40,45-52 is/are allowed.
- 6) ☐ Claim(s) 12-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 12-14, 17, 18, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Mullins '156.

Considering claim 12, Mullins discloses a down-hole system comprising a) a server node for detecting the presence of each secondary node (see col 6, lines 57-60 and fig 2); b) server node requesting information from at least one of secondary nodes (see col 6, lines 27-31); c) server node issuing a control signal to at least one of secondary nodes (see col 6, lines 24-27).

Considering claim 13, Mullins discloses the limitation of this claim see col 8, lines 30-34.

Considering claim 14, Mullins discloses, a) server node is disposed on a first module of a modular down-hole tool (see fig 2, item 20); b) secondary nodes (see fig 2, intervals #1 and #2); f) wherein the first and second modules are releasably coupled to one another (see col 2, lines 26-29 and col 6, lines 52-60).

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Considering claims 17,20 Mullins discloses the limitation of this claim see col 6, lines 32-45 and col 8, lines 30-35.

Considering claim 18, Mullins discloses the limitations of these claims see col 6, lines 28-31.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 15, 16, 19, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mullins.

Considering claim 15, Mullins does not specifically recite the server node transmitting a wake-up signal to each of the secondary node and receiving an acknowledgement from each secondary node. Mullins discloses in col 6, lines 52-61 sequentially assembling a down-hole system and installing a diagnostic sub to perform test on the modules. This would suggest transmitting a signal to each of the modules and receiving an acknowledgement from each module. One of ordinary skill in the art would readily recognize the transmission of a wake-up signal and the receipt of an acknowledgement signal is well known in the art. Applicant admits in paragraph 0055 technique and

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protocols for detecting the present of hardware on a system is well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art the diagnostic signal of Mullin system is an alternative method of transmitting a wake-up signal to each of the secondary node and receiving an acknowledgement from each secondary node because Mullins suggests transmitting a signal to each of the secondary node and receiving an acknowledgement from each secondary node. This is the standard method of running a diagnostic test.

Considering claim 16 the limitations of these claims are interpreted and rejected as stated in claim 15.

Considering claim 19,21 Mullins discloses measuring borehole environmental parameter (see col 5, lines 54-60). One of ordinary skill in the art would readily recognize a plurality of sensors is used to measure different parameters in a well bore. Therefore, it would have been obvious to one of ordinary skill in the art to modify the sensors of the Mullins system to measure any environmental parameter associated with the well bore because Mullins is concern with the monitoring of well bore conditions and relay this information to a remote location.

Allowable Subject Matter

3. Claims 1-11,22-24,27-40,45-52 is allowed.

Any inquiry concerning this communication should be directed to Examiner Timothy Edwards, Jr. at telephone number (571) 272-3067. The examiner can normally be reached on Monday-Thursday, 8:00 a.m.-6:00 p.m. The examiner cannot be reached on Fridays.

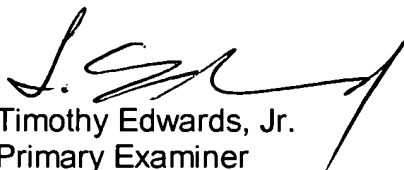
If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached at (571) 272-7308.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-4700, Mon-Fri., 8:30 a.m.-5:00 p.m.

Any response to this action should be fax to:

(571) 273-8300 (for formal communications intended for entry).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov> or contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Timothy Edwards, Jr.
Primary Examiner
June 27, 2006